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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,965	02/04/2004	Kazuhiko Gogo	14470.22US01	5309
7590	05/01/2006	EXAMINER		
SY, MARIANO ONG			ART UNIT	
3683		PAPER NUMBER		

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/772,965	GOGO, KAZUHIKO
	Examiner	Art Unit
	Mariano Sy	3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 03 March 2006.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) \_\_\_\_\_ is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 2 and 4 is/are allowed.

6) Claim(s) 1 and 3 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

1. The amendment filed on March 3, 2006 has been received.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Rath (US 3,782,510).

Re-claim 1 Rath disclosed, as shown in fig. 1-4, a disk brake unit comprising: at least one piston 28 built into a caliper body 12 having a substantially U-shaped cross-section with an outer section 13 and an inner section 15 connected by a bridge section 14, an outer pad attached to outer section, an inner pad attached to inner section, and an outer periphery of a brake disk inserted between outer and inner pads, wherein part of the piston projects beyond an outer peripheral edge of the brake disk to an outer side, the outer and inner pads do not project out further than the outer peripheral edge of the brake disk, and part of the bridge section projects further radially inwards (see fig. 3) than the outer peripheral edge of the piston and the projecting part of the bridge section extends from the inner section to the outer section of the caliper body.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rath in view of Reeves (US 6,478,121).

Re-claim 3 Rath failed to disclose wherein there are a plurality of pistons, the plurality of pistons being lined up along the outer peripheral edge of the brake disk at specified intervals.

Reeves teaches, as shown in fig. 4-9, a disc brake caliper having a plurality of pistons, the plurality of pistons being lined up along the outer peripheral edge of the brake disk at specified intervals, see col. 4, lines 6-13.

It is old and well known in the art for a brake caliper having a plurality of pistons and it would have been obvious to one of ordinary skill in the art to modify the caliper of Rath with a plurality of pistons, in view of the teaching of Reeves, in order to decrease the size of the caliper by having smaller pistons instead of a single large piston.

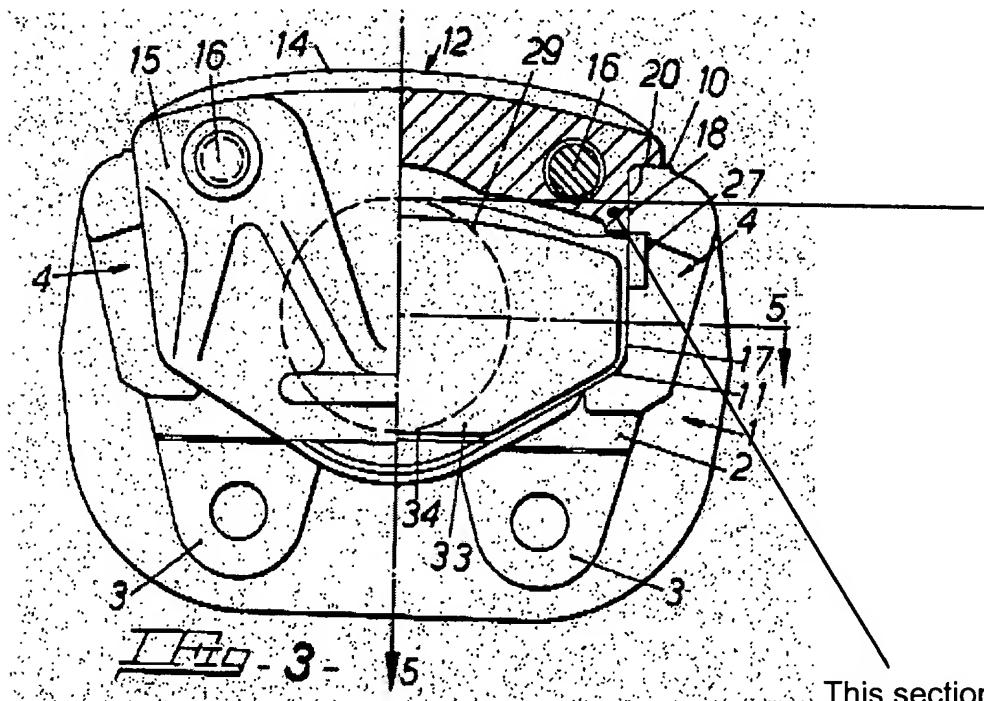
6. Applicant's arguments filed on March 3, 2006 have been fully considered but they are not persuasive.

Applicant argued in the Remarks that Rath (US 3,782,510) does not disclose a disk brake unit for a motorcycle, where part of the bridge section projects further radially

inwards than an outer peripheral edge of the piston. As evident from reproduced Fig. 3 of Rath the area labeled by Applicant as "GAP" in Fig. 3, no portion of the part 14 projects radially inward beyond the outer edge of the outline of the bore 29. Since the piston slides in the bore 29, no portion of the part 14 projects radially inward beyond the outer peripheral edge of the piston.

Examiner disagrees with Applicant's argument and maintains the claim language is broad and Rath '510 still reads on the claim language.

See the reproduced Fig. 3 of Rath '510 below.



This section of the caliper body can be read as part of the bridge section projecting further radially inwards than the outer peripheral edge of the piston

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Claims 2 and 4 are allowed.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariano Sy whose telephone number is 571-272-7126. The examiner can normally be reached on Mon.-Fri. from 8:30 A.M. to 2:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan, can be reached on 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*msy*

M. Sy

April 25, 2006

DEVON C. KRAMER  
PATENT EXAMINER  
*Devon Kramer*  
4/27/06